

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RICHARD BORDIN,

Case No. 3:23-CV-00449-CLB

Plaintiffs,

**ORDER**

v.

JON RAU, *et. al.*,

Defendants.

This matter is referred to the Court for the limited purpose of determining whether *in forma pauperis* ("IFP") status should continue on appeal. (ECF No. 38.) This Court certifies that any IFP appeal from its order of dismissal would be frivolous or would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3). *See International Union of Bricklayers & Allied Craftsmen v. Martin Jaska, Inc.*, 752 F.2d 1401, 1406 (9th Cir. 1985) ("A frivolous appeal [under Rule 38] is defined as one in which the result is obvious, or where the appellants' claims are utterly meritless."); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of IFP status is appropriate where district court finds the appeal to be frivolous). Accordingly, Plaintiff's IFP status should be revoked on appeal.

**DATE:** May 20, 2024.

  
UNITED STATES MAGISTRATE JUDGE